

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

ANTHONY OLIVER,	::	PRISONER ACTION
Plaintiff,	::	15 U.S.C. § 1681
	::	
v.	::	
	::	
CHEX SYSTEMS, INC.; et al.,	::	CIVIL ACTION NO.
Defendants.	::	3:20-CV-0030-TCB-RGV

FINAL REPORT AND RECOMMENDATION

Plaintiff Anthony Oliver, presently confined in the Long State Prison in Ludowici, Georgia, has filed this pro se complaint against private corporations alleging that they have violated both the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., and Georgia law. [Doc. 2]. Plaintiff also seeks leave to proceed in forma pauperis. [Doc. 1].

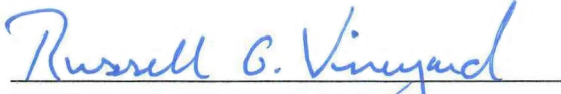
A prisoner may not bring a civil action in federal court in forma pauperis “if [he] has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it [was] frivolous, malicious, or fail[ed] to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Plaintiff has filed at least four prior cases while incarcerated that were dismissed either as frivolous, malicious, or for failure to state a claim. See Oliver v. Kemp, No. 1:19-CV-5014-TCB-JFK (N.D. Ga. Dec.

11, 2019); Oliver v. Monson, No. 0:10-CV-4218-ADM-JJG (D. Minn. Jan. 3, 2011); Oliver v. Reays Ranch Inv'rs, No. 4:10-CV-0158-JMR-PSOT (D. Ariz. July 19, 2010); Oliver v. Sloane, No. 4:10-CV-0169-JMR-PSOT (D. Ariz. June 8, 2010); Oliver v. Gore, No. 3:09-CV-2505-BEN-POR (S.D. Cal. May 12, 2010). Plaintiff does not allege a current imminent threat of serious injury in this case. [Doc. 2]. Therefore, pursuant to § 1915(g), plaintiff cannot proceed in forma pauperis in this action.

When § 1915(g) bars a prisoner from proceeding in forma pauperis, “the proper procedure is . . . to dismiss the complaint without prejudice.” Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002) (per curiam). “The prisoner cannot simply pay the filing fee after being denied in forma pauperis status. He must pay the filing fee at the time [s]he initiates the suit.” Id. Accordingly, it is **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE**.

The Clerk is **DIRECTED** to terminate the referral to the assigned Magistrate Judge.

SO RECOMMENDED, this 2nd day of March, 2020.


RUSSELL G. VINEYARD
UNITED STATES MAGISTRATE JUDGE